

**REMARKS**

The specification has been amended to replace the incomplete structure shown on page 56 with the complete structure. Claim 1 has been amended by replacing the recitation "...and wherein the additive component has a transition temperature to the isotropic state of 40° C or lower" with "... and wherein the additive component changes from the liquid crystalline state to the isotropic state at a temperature of 40° C or lower". This amendment is based on the definition of the transition temperature given on page 3, third paragraph of the invention, wherein the alternative temperature from the crystalline to the isotropic state has been deleted. Claims 23 and 24 have been amended to depend only on claim 21.

Entry of the Office Action.

**Election of Species and Rejoinder**

On page 2 of the Office Action, in paragraph 1, the Examiner indicates that Applicants' elected Additive No.1 reads on claims 21-35, and that claims 1-20 and 36-44 are withdrawn from further consideration.

In response, Applicants note initially that as set forth in the first sentence on the second page of the Response to Election of Species Requirement filed February 2, 2009, Applicants elected claims 1-20 (and claims 36-44, since the use of the word "and" in the phrase "A mesogenic mixture (claims 1-20) or a chiral or achiral rod shape compound (claims 21-35) and polymer used in optical or electro-optical components (claims 36-44)" on page 2 of the Office Action of December 2, 2008 indicated that the Examiner would examine claims 36-44 together with either claims 1-20 or claims 21-35). The election of Additive No. 1 subsequently in the

February 2, 2009 Response was because Applicants considered that the Examiner was also requiring that a single additive component be elected for the elected mixture or compound claims. Thus, examination of elected claims 1-20 (and claims 36-44) is respectfully requested (Applicants note that these claims have been indicated in the present Amendment as withdrawn simply to correspond to the status indication on the Office Action Summary to avoid a Notice of Non-Compliant Amendment; however, Applicants submit that these claims should not be withdrawn as discussed above).

Further, in the event that the Examiner does not examine claims 1-20 and 36-44 despite the above discussion, Applicants respectfully request rejoinder of claims 1-20 pursuant to MPEP 821.04(a) and rejoinder of claims 36-44 pursuant to MPEP 821.04(b) upon a finding of allowable subject matter in claim 21.

### **Objection to the Specification**

On page 3 of the Office Action, in paragraph 4, the Examiner has objected to the disclosure because the chemical structure on page 56 in the specification is incomplete, and the Examiner requires appropriate correction.

In response, Applicants have corrected the chemical structure on page 56, and thus withdrawal of this objection is respectfully requested.

### **Objection to the Claims**

On page 4 of the Office Action, in paragraph 5, the Examiner has objected to the claims under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only.

In response, Applicants have amended the claims at issue so that they are singly dependent claims. Accordingly, Applicants submit that this objection has been overcome, and withdrawal of this objection is respectfully requested.

### **Anticipation Rejection**

On page 4 of the Office Action, in paragraph 7, claims 21-22 and 24-35 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 0048985 or US 6,676,851.

In response, Applicants submit that US 6,676,851 discloses compounds having a transition temperature (= clearing point Clp (N-I)) to the isotropic state of more than 41.4°C (see on column 19, example 1).

In contrast, Applicants submit that the compounds of the present invention have a transition point from the liquid crystalline phase to the isotropic phase from <40 C.

Hence, Applicants submit that the present invention is novel over US 6,676,851 (and the corresponding WO 0048985).

Moreover, Applicants submit that there is no teaching in US 6,676, 851 how liquid crystals are accessible having a transition point <40°.

Hence, Applicants submit that a skilled person would not arrive at the compounds of the invention.

However, with the compounds of the present invention, a new class of compounds was found.

With this new class of compounds, Applicants submit that very astonishingly, the orientation of liquid polymer films is accelerated (see example 9), and the quality and the compatibility of components in liquid polymer films is improved (see examples 10 and 11).

Applicants submit that these advantageous properties could not be foreseen starting with the teaching of US 6,676, 851.

Therefore, Applicants submit that the present invention is also non-obvious over the teaching of US 6,676,851 (and the corresponding WO 0048985).

Accordingly, Applicants submit that the present invention is patentable over US 6,676,851 and WO 0048985, and withdrawal of this rejection is respectfully requested.

### Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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WASHINGTON OFFICE

**23373**

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